recommit the measure here or sponsor it in another place.

Hon. A. H. Panton: I would rather recommit it here.

The MINISTER FOR EDUCATION: If the hon. member does not agree to my suggestions I shall have to oppose the new clause.

Hon. A. H. PANTON: I agree to the Minister's request. I ask leave to withdraw the proposed new clause.

New clause, by leave, withdrawn.

Title—agreed to.

Bill reported with amendments.

House adjourned at 10.20 p.m.

Legislative Assembly.

Tuesday, 5th October, 1948

CONTENTS.

	Page
Questions: Shipping, as to pilfering at Fremantle	1465
Black Diamond coal leases, as to liability for compensation	1465
Kindergartens and health centres, as to permits to build	1466
Railways, as to late running of suburban trains, etc.	1466
State Public Debt, as to security holders	1466
Petrol rationing, as to producing substitute spirit	1466
Liquid Fuel Control Board, as to termination of officials services	1466
Betting—(a) as to introduction of legislation	1466
(b) as to prosecutions for obstruction	1467
Bills: Workers' Compensation Act Amendment, recom.	1467
Factories and Shops Act Amendment, 2r., Com., report	1468
Licensing Act Amendment, 2r., Com., report	1471
New Tractors, Motor Vehicles, and Fencing Materials Control, Council's amendments	1472
Feeding Stuffs Act Amendment, 2r., Com.	1476
Prevention of Cruelty to Animals Act Amendment, 2r., Com.	1479
Marriage Act Amendment, Com.	1486
Adjournment, special	1495

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTIONS.

SHIPPING.

As to Pilfering at Fremantle.

Mr. GRAYDEN asked the Minister representing the Minister for Police:

(1) What was the extent of pilfering from interstate and oversea ships at Fremantle during the past financial year?

(2) On a percentage basis, to what extent was it higher than in 1943-44?

(3) If the information in question No. (2) is not available, will he give what information is available on the extent of pilfering in the periods mentioned?

The MINISTER FOR HOUSING replied:

The only data available is as follows:—

(1) Fifty-five convictions for stealing, attempted stealing, receiving and unlawful possession.

(2) Twenty-three per cent. lower than in 1943-44.

(3) Answered by No. (2).

BLACK DIAMOND COAL LEASES.

As to Liability for Compensation.

Mr. MARSHALL asked the Minister representing the Minister for Mines:

In view of the statement made by the Minister for Mines in "The West Australian" that the reason for returning Wellington Location 1128 and Coal Mining Leases Nos. 256 and 304 to the Amalgamated Collieries of W.A. Ltd. after acquisition by the State Electricity Commission was the large amount of compensation which would have been payable by the State, would he inform the House:—

(a) Upon what grounds would compensation have been payable?

(b) What would have been the approximate amount involved?

The MINISTER FOR HOUSING replied:

(a) Under the provisions of the State Electricity Commission Act and the Public Works Act, an amount equal to the estimated profit on the estimated coal content of the leases, also compensation for resumption of freehold property.

(b) The actual amount involved has not been estimated.

KINDERGARTENS AND HEALTH CENTRES.

As to Permits to Build.

Mr. BRADY asked the Minister for Housing:

(1) Have any permits been granted for building kindergartens or infant health centres in the past year?

(2) If the answer to Question No. (1) is "Yes," will he state the localities for which permits were granted?

The MINISTER replied:

(1) Yes.

(2) Kalgoorlie. A permit was granted for the demolition of an Army building and its re-erection as two kindergartens in Kalgoorlie.

RAILWAYS

As to Late Running of Suburban Trains, etc.

Mr. BRADY asked the Minister for Railways:

In view of the continued erratic railway service in the Eastern suburbs, as instanced by the omission of the 9.10 p.m. Perth to Midland Junction train on Tuesday, the 28th September, will he state the findings of the Departmental Committee referred to in his reply to questions on the 26th August?

The MINISTER replied:

The 9.10 p.m. train to Midland Junction is a continuation of the 8.15 p.m. from Fremantle which train was delayed on account of a fatality at West Perth.

The committee referred to is examining the performances of all locomotives and its task is not yet completed.

STATE PUBLIC DEBT.

As to Security Holders.

Mr. MARSHALL asked the Treasurer:

(1) What was the total public debt of the State on the 30th June, 1948?

(2) Of this total, what amount was held by security holders of all kinds within the State of Western Australia?

(3) What was the total amount held by security holders of all kinds outside of Western Australia but within the Commonwealth?

(4) What was the total amount held by security holders outside the Commonwealth of Australia?

The TREASURER replied:

(1) £100,274,741 4s. 7d.

(2) and (3) Loans are raised by the Commonwealth and no information is available as to the domicile of security holders in Western Australia's share of the loans.

(4) £41,023,405 18s. 3d.

PETROL RATIONING.

As to Producing Substitute Spirit.

Mr. BRADY asked the Minister for Industrial Development.

In view of the petrol restrictions operating throughout the State, will he state—

(1) Are experiments being made at the wood distillation plant at Wundowie to produce a substitute?

(2) If the answer to question No. (1) is "No," will he institute inquiries regarding the present by-products being used for this purpose?

The MINISTER replied:

(1) No.

(2) Yes.

LIQUID FUEL CONTROL BOARD.

As to Termination of Official's Services.

Mr. GRAHAM asked the Minister for Transport:

In view of the important public position held by the ex-secretary of the Liquid Fuel Control Board, and the suddenness with which his services were terminated, will he give detailed reasons for this step, and will he indicate whether there is any intention of further action being taken in the matter?

The MINISTER replied:

No information regarding this matter can be given at the present time.

BETTING.

(*a*) *As to Introduction of Legislation.*

Mr. GRAHAM asked the Attorney General:

Is it intended to introduce legislation this session to deal with the question of betting?

The ATTORNEY GENERAL replied:

This matter will be given consideration.

(*b*) *As to Prosecutions for Obstruction.*

Mr. GRAHAM asked the Minister representing the Minister for Police:

(1) What number of traffic obstruction offences, for which charges have been laid, have occurred in each suburb of the metropolitan area, respectively, during the present year?

(2) What was the number heard before

(a) Perth Police Court;

(b) Fremantle Police Court;

(c) Midland-Junction Police Court?

The MINISTER FOR HOUSING replied:

(1) Scarborough, 1; Osborne Park, 1; Bayswater, 1; Armadale, 2; Cannington, 2; Mt. Hawthorn, 2; Victoria Park, 2; North Beach, 3; Gosnells, 3; Bassendean, 3; Queens Park, 6; Claremont, 6; Shenton Park, 11; Carlisle, 13; North Perth, 13; Guildford, 20; Subiaco, 22; Como, 35; Nedlands, 41; West Perth, 43; South Perth, 45; Wembley, 45; Highgate Hill, 49; Maylands, 50; Leederville, 55; City, 64; East Perth, 69; Inglewood, 95; Palmyra, 3; North Fremantle, 4; Rockingham, 4; Canning Bridge, 6; Cottesloe, 6; East Fremantle, 7; Beaconsfield, 10; South Fremantle, 17; Fremantle, 29; Mosman Park, 17; Midland Junction, 154.

(2) Perth Police Court, 702; Fremantle Police Court, 103; Midland Junction Police Court, 154. Total, 959.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Recommittal.

On motion by the Minister for Education, Bill recommitted for the consideration of a new clause.

In Committee.

Mr. Perkins in the Chair; the Minister for Education in charge of the Bill.

New clause:

The MINISTER FOR EDUCATION: I move—

That a new clause be inserted as follows:—

3A. The principal Act is amended by adding after the word "cases" in Section 3, line 6, a section as follows:—

3A. When at the time of the coming into operation of the Workers' Compensation Act Amendment Act, 1948, a worker has been entitled to receive weekly payments for any period of total or partial incapacity in accordance with the provisions of the Workers' Compensation Act, 1912-1944, and that incapacity continues after that time, he shall from that time and during the continuance of that period, be entitled to payments in accordance with the provisions of the last-mentioned Act as amended by the first-mentioned Act, but nothing in the first-mentioned Act shall be construed so as to entitle any such worker to any increase in such weekly payments made or payable before that time.

The member for Leederville moved an amendment which I think was intended to implement the same principles as are included in this clause. I suggested to him that I was not entirely satisfied with the wording of his amendment as I thought it might enable retrospectivity to be given to payments that had actually been made before the passing of the legislation. I thought his intention was that those payments should be increased only in respect of persons who had been receiving payments under the present Act, but that they would be increased to conform to payments made after the passing of this Bill. This amendment is intended to accomplish that end.

Mr. FOX: If a man was injured two months before the new Act came into being, or a man was injured four months after the new Act came into operation and wanted to apply for a lump sum payment, how would it be calculated?

The MINISTER FOR EDUCATION: This is a matter to which I have not given a great deal of consideration but I do not think the answer presents any difficulty. If the lump sum became payable, say four months after the passing of the Act, it would be payable in accordance with the provisions of the new Act.

Mr. Fox: What about one month after?

The MINISTER FOR EDUCATION: It would apply to any period after the passing of the Act.

Hon. A. H. PANTON: This amendment clears up the point I was endeavouring to make when the Bill was in Committee, and I agree with the amendment as moved by the Minister.

New clause put and passed.

Bill again reported with a further amendment.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th September.

HON. A. H. PANTON (Leederville) [4.45]: This Bill has been introduced at the request of the High Commissioner for India in order to remove the discrimination now shown against Indians. The section in the parent Act which has evidently caused the trouble is as follows:—

> 26. No person of the Chinese or other Asiatic race shall be—
>
> (a) registered as the owner or occupier of a factory unless he satisfies the Minister that he carried on the business which he proposes to carry on in such factory before the first day of November, one thousand nine hundred and three; or

I presume that was about the date of the Commonwealth Aliens Restriction Act which prohibited Asiatics from becoming permanent residents of Australia. The section goes on to state—

> (b) employed or engaged by the occupier of a factory in or about the factory, unless the occupier satisfies the inspector that such person was so employed or engaged in a factory on or immediately before the date last aforesaid.

The Bill proposes to amend Section 26 by adding to it—

> Provided that this section shall not apply to—
>
> (1) any person of the Asiatic race who is a natural-born British subject and whose domicile is in the State on the day of the commencement of the Factories and Shops Act Amendment Act, 1948, nor
>
> (2) to any descendant of any person referred to in the next preceding paragraph if the domicile of the descendant is in the State.

I am not opposed to the Bill but there are one or two peculiarities about it. It seems to me that in trying to overcome the difficulty of the Indians the Minister has introduced a measure which throws the position wide open to any Asiatic irrespective of nationality. I have not been able to get much information on the Bill, but I would like to know from the Minister just when an Asiatic ceases to be an Asiatic if he is a natural-born British subject.

There are Chinese people living in Leederville who have children born in Australia. These youngsters are very bright but from the look of things they will be exempt from the provisions of the Bill, although I fail to see why they should have to be if they are British-born. There must be some reason for the Minister making this distinction although I have been unable to find it. He would have been well-advised to take a leaf from the Mining Act which sets out the position in a clearer way. Section 23 of that Act reads—

> No miner's right shall be issued to or held by any Asiatic or African alien, nor to any person of Asiatic or African race claiming to be a British subject without the authority, in writing, of the Minister first obtained.

Section 24 states—

> No Asiatic or African alien shall hold any interest by virtue of a miner's right, nor shall any person of Asiatic or African race, claiming to be a Britsih subject, be entitled to hold any such interest without the authority, in writing, of the Minister first obtained.

Those provisions have been in the Act for as long as I can remember. I can recall a man of Indian extraction who is living somewhere around Mt. Magnet—I think the member for Murchison would know him better than I—who has endeavoured to become a leaseholder. I think the case goes back to the days when Sir Edward Wittenoom was Minister for Mines. This Indian has been trying to obtain a miner's right under the provision which states that the Minister has discretionary power. He has approached every Minister for Mines, including myself, and each one has refused him. For the Minister to have discretionary power in a case such as this is a far better proposal than the provision outlined in the Bill. This Indian must be well over 80, or if he is not he is very close to it, and up to date he has been unsuccessful in obtaining a mining lease.

There are one or two points that I find puzzling in regard to the Bill; firstly, how a British-born subject remains an Asiatic, and if so, why the necessity for a British-born subject to be exempt from any Act so far as we are concerned? I will be satisfied if all Asiatics are exempted by the Bill —and there is no doubt that they will be— because that is not going to make much difference. My experience of the Asiatics who came here prior to the passing of the Aliens Restriction Act is that they have almost died out. If the Minister goes down

to "Sunset" I think he will find there are some who are still alive, namely, some 60 Chinese and one Japanese in the Asiatic ward. I often wondered where they had all gone, but that is where they will be found, fat and well looked after. They are not doing any harm to anybody down there. I see no objection to the Bill as it is, but it does seem rather paradoxical to me.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth—in reply) [4.51]: Dealing firstly with the question of whether one of Asiatic blood born in Australia ceases to be an Asiatic, I think the distinction is between nationality and Asiatic race. The term in the Bill is not "Asiatic national," or "Asiatic" but "one of Asiatic race." As we know, in Australia we have people of the Celtic race, Anglo-Saxon race, Italian race and many other races and all their descendants become Australian nationals. Of course, when they are of mixed blood they are termed half-breeds, and I do not think these restrictions were meant to apply to them. They have to be pure-bred Asiatics or Chinese. That possibly is the distinction referred to by the member for Leederville. In other words they are British or Australian citizens now, although born of Asiatic parents. I quite agree with the hon. member's contention that this Bill deals not only with Indians but also with Chinese. It was thought, however, that in removing this distinction it would be just as well to make it apply to all Asiatics because there were so few surviving people of Chinese blood or Asiatic blood who were not born in Australia. It was felt that any distinction in respect of the descendants of Chinese and Asiatics who had become Australian citizens by birth should be removed. That is what the Bill proposes to do.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Sections 26 and 135:

Mr. MARSHALL: When the Minister was introducing this measure I sought by interjection to elicit from him the number of people that may be affected by the passage of the Bill. From memory I think the Attorney General said, "About a dozen."

The Attorney General: And their descendants, I think I said.

Mr. MARSHALL: Like the member for Leederville I think the Bill will involve a greater number by far than one dozen or even two or more dozen. I am not altogether hostile to the passage of the measure, but I am not particularly enthusiastic about it. This clause provides for any person of Asiatic race who is a natural-born British subject. Many millions of Asiatics are born British subjects.

Hon. A. H. Panton: Quite a lot in Russia I should say.

The Minister for Education: There are not a great many in Western Australia.

Mr. MARSHALL: People born in India, and Malaya are all British-born subjects. The whole of the births in Singapore, for instance, are of British-born subjects and I suppose millions of others are born in such places as the West Indies and elsewhere under the British flag. We have in Western Australia even now a number of illiterate and aged Asiatics, and it is doubtful whether it would be advisable to permit them the liberties the Bill proposes to give them. At the same time, I have no objection to those who are born in Australia and who are descendants of Asiatics. The Minister should have stopped there.

I realise that the hostility towards Asiatics, which was shown in the laws promulgated many years ago, was the outcome of the situation that then existed, but there have been many changes in our opinions in regard to this matter since then. I have always held that it was very unfair to exercise any restrictions against descendants of these people born in Australia. There must be a large number of aged Asiatics who would come under this measure. Whether they would be ambitious enough to aspire to take advantage of the position after the passage of the Bill is another question.

The ATTORNEY GENERAL: The hon. member viewed the position in the right perspective when he said that the situation had altered very considerably since the introduction of the original Act many years ago. I suggest that the legislation would not

be introduced at all in these times, because the considerations that influenced the position then do not exist today. Most of the Indians or Asiatics affected are now of considerable age. This legislation deals only with the ownership of factories and the right to work in those factories. There is little likelihood of any adverse effect being felt from the passage of this Bill. Legislation of this type causes a certain amount of irritation and national resentment, and in these days we do not want anything of that description. We have Australia's representatives sitting alongside those from Asiatic countries when attending meetings of UNRA and similar bodies. It is time this stigma was removed from our legislation.

Mr. MARSHALL: I agree with the Minister in so far as his remarks apply to the Bill under consideration. On the other hand, we should have further information to make sure that others than those we desire to help will not benefit from the amended legislation. I would like the Minister's assurance as to what the first paragraph of the proviso really means. Does it mean that the Asiatic must have been domiciled in Western Australia prior to the date of the introduction of the original Act, or does it mean that the individual must have been domiciled in the State when this amending Bill becomes law? Much will depend on what is meant by the term "domicile." There are many refugees here at present; and, if they are not deported in the course of time, they may become involved in businesses here. What does the paragraph really mean?

The ATTORNEY GENERAL: It means that the person concerned must be domiciled in this State when this Bill becomes law. It is well known that no-one of Asiatic race has been permitted to be domiciled in Australia for very many years, not since the inauguration of the White Australia policy. To become domiciled here a man must be a permanent resident of Australia, and that could happen only with the consent of the Commonwealth Government.

Mr. Marshall: Are you sure on that point?

The ATTORNEY GENERAL: Absolutely sure. I can see no likelihood of the White Australia policy being changed. As the law stands, an Asiatic cannot become domiciled so as to gain any advantage from this amending legislation, because he must actually be domiciled here when the Bill becomes law.

Hon. A. H. Panton: The only way would be to sneak in over the boundary.

The ATTORNEY GENERAL: But even then he would not be "domiciled" now.

Mr. MARSHALL: In common with most other members, I thought the meaning was that the Asiatic had to be domiciled in Australia when the parent Act was passed.

Mr. Rodoreda: Where did you get that impression from?

Mr. MARSHALL: I wanted to be sure because I was under the impression, despite the White Australia policy, that under the Commonwealth immigration laws an Asiatic could become a resident of Australia under certain conditions.

Hon. A. H. Panton: Only with the consent of the Minister.

Mr. MARSHALL: I thought he could do so by paying a poll tax and passing an examination.

Hon. A. H. Panton: Not since 1903.

Mr. MARSHALL: So long as we are sure on the point I shall raise no objection to the clause, but I do not want any loophole left.

The Attorney General: There is no loophole, because the man must be domiciled now—and he is not here.

Mr. HEGNEY: I am surprised that the member for Murchison should suggest that most members were labouring under a delusion about the Bill. I cannot see how the impression could be gained that the people concerned had to be domiciled here at the time the original Act was passed. In addition to those mentioned by the Minister, who referred particularly to Indians, we have Asiatics who are born in Hong Kong, and some of them and their descendants might be included. The governing factor is that they must be domiciled in Western Australia when this amending measure is proclaimed. It is necessary for them to have been here in 1903. If they are the descendants of Asiatics in British countries, they would come within the provisions of the measure. In view of the Attorney General's explanation, I am satisfied with the terms of the Bill. I understand

that similar measures have been passed by the Parliaments of other States and that this amendment will bring our law into line with theirs.

Mr. FOX: I cannot understand the need for introducing the Bill if it is to benefit only a very few people. I believe that quite a number of British born Asiatics are engaged in Broome and other northern towns. What will be their position? Will they be permitted to come South and work in factories and shall we have a fresh influx every year? Conditions might be satisfactory while Labour is in power in the Federal sphere, but there might be a change of Government and we should take precautions accordingly. Permission might be obtained to bring pearlers to Broome and they might be allowed to come to Perth. I am doubtful whether the present Commonwealth Government would permit them to stay here, but I wish to guard against what might happen. Therefore I oppose the clause.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—LICENSING ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th September.

HON. A. H. PANTON (Leederville) [5.15]: This Bill is somewhat similar to the one we have just dealt with. Section 130a. of the Act reads—

> Every licensee by whom any person of Asiatic race was employed in or about his licensed premises on the 15th day of August, 1922, shall cause the name of such person to be registered in a register to be kept at the Licensing Court for the district in which the licensed premises are situated; and no licensee shall, elsewhere than in the North Province of the State, employ any person of Asiatic race in or about his licensed premises whose name is not so registered: Provided that this section shall not apply to persons of the Jewish race.

Thus the North Province is exempt. Under the Bill it is proposed to add to that section the following words:—

> *and that this section shall not apply to*—
>
> (1) any person of the Asiatic race who is a natural-born British subject and whose principal domicil is in the State on the day of the commencement of the Licensing Act Amendment Act, 1948, nor
>
> (2) to any descendant of any person referred to in the next preceding paragraph if the domicil of the descendant is in the State.

All I wish to know from the Minister is whether this provision will give a clean bill to enable any of the people we are now discussing to get a license to conduct an hotel. The Act provides for the registration by a licensee of any British born Asiatic employed by him, and it seems to me that the Bill will wipe out all restrictions on Asiatic aliens. Would one of these persons be able to apply for a license and would it be possible for the Licensing Court to grant one under the Act?

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth—in reply) [5.17]: This Bill deals with only one section of the Act and that section prohibits the employment of persons of Asiatic blood in or about licensed premises, other than those persons who were so employed on the 15th August, 1922, or those who are employed in the North Province. It does not in any way affect the law with respect to the holding of a license; it merely deals with those employed in or about licensed premises.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Hill in the Chair; the Attorney General in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 130a.:

Mr. MARSHALL: Does the Licensing Act provide for any prohibition against an Asiatic being a licensee of a hotel? I remember the discussion when Section 130a was before the House. It was decided that no Asiatic would be permitted to work in and around licensed premises. The Bill removes that prohibition; but it would seem to debar the Australian-born descendants of Asiatics from holding a license. This, in my opinion, is most inconsistent. Again, we have a number of aged and illiterate Asiatics who are in no way qualified to hold a license and, in my opinion, they should not be allowed to do so as they would not

uphold our present standards. I have no objection to the Australian-born Asiatic holding a license.

The ATTORNEY GENERAL: The only qualification, so far as nationality is concerned, is that provided by Section 28 (3) of the parent Act, which provides that no license or renewal of a license shall be granted to any person who is not a natural-born or naturalised British subject.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—NEW TRACTORS, MOTOR VEHICLES AND FENCING MATERIALS CONTROL.

Council's Amendments.

Order of the Day read for the resumption from the 30th September of Committee on the schedule of nine amendments made by the Council.

Hon. J. B. SLEEMAN: I do not think we should agree to resume consideration of the Council's amendments. In the first place, Mr. Speaker, to me the Bill is not worth tuppence, but that is beside the argument. I think you should not leave the Chair, because if you do the House will resolve itself into Committee. The Committee will arrive at certain decisions and will then transmit to the Council its reasons for so doing. The Legislative Council will in turn send back a message insisting upon its amendments. The Minister in charge of the Bill will ask for a conference and you, Sir, are aware how long that will take. It may occupy four or five hours. The Minister and the other managers will then report to the House what a wonderful win they have had over the Legislative Council, and the next day the Minister will promulgate some regulations upsetting everything that we have agreed to. I think that procedure is wrong and that we should not waste the time of this House and another place merely in order to get back where we started. In my opinion, we would be better occupied in debating some of the other Bills on the notice paper.

Mr. GRAHAM: I wholeheartedly agree with the attitude adopted by the member for Fremantle, but more especially with the premises on which he bases his argument. Before we proceed further, we should have some definite undertaking from the Minister in charge of the Bill that, if this House arrives at certain determinations and is able to prevail upon the Legislative Council to accept them, he will not—and I use this term advisedly—double-cross this House by promulgating regulations within a week or so to defeat the purpose and intention of this House. If we agree to allow that state of affairs to develop, then, as the member for Fremantle points out, we are merely wasting the time of this House and of another place. In other words, we want to be assured of the Government's bona fides in regard to the Council's amendments. Should this Chamber disagree with the Council's amendments then I say it is wrong and unfair to members that the results of their exertions should be set at nought by promulgating regulations which will have the effect of defeating the express will of this Chamber. I should accordingly be pleased if the Minister would indicate whether he is going to play fair and square with the members of this House, or whether he is going to allow us to be toyed with as we were a few weeks ago in connection with the Land Sales Control Bill.

Committee Resumed.

Mr. Perkins in the Chair; the Minister for Transport in charge of the Bill.

The MINISTER FOR TRANSPORT: There are several amendments on the notice paper but they all hinge on No. 2. I suggest, therefore, that we deal with that amendment first.

The CHAIRMAN: Would it suit the Minister to take Nos. 1 and 2 together?

The MINISTER FOR TRANSPORT: Yes.

No. 1. Clause 1—Insert the word "and" before the word "Motor" in line 6.

No. 2. Clause 1—Delete the words "and Fencing Materials" in line 7.

The MINISTER FOR TRANSPORT: I move—

That amendments Nos. 1 and 2 be not agreed to.

The provision for the control of fencing materials was inserted in the Bill because of the great shortage of supplies that exists

from one end of the State to the other. Fencing materials are badly needed from the North-West to Albany and it is necessary that there should be power to exercise control over their distribution to ensure that available supplies are allotted in order of priority of need. It is only by an independent authority having all applications before him that we shall be able properly to determine their relative merits. I do not suggest that merchants would not determine them to the best of their ability; but each merchant would have only a certain number of applications before him and would know nothing of the needs of applicants who had applied to other merchants for supplies. The Committee would be ill-advised to agree to the Council's amendments.

Hon. J. T. TONKIN: I was very glad to hear the Minister say he intends to oppose the Council's amendments. I do not think he could have done anything else without repudiating what he said at the second reading. The reason he gave for the introduction of the Bill was that supplies were so hopelessly below the demand as to make it necessary for control to be exercised by an independent authority.

The shortage of fencing materials is as bad as, if not worse than that of tractors and motor vehicles; and if the Government desires to control tractors and motor vehicles, it must insist on controlling fencing materials also. A farmer in Northam, to mention one of many, has been endeavouring to obtain fencing materials for some time. He placed an order in 1945 for ringlock fencing and an order in 1946 for barbed wire. The firm with whom the orders were lodged gave him the information that it would take two years or more before it could meet the order for ringlock fencing and barbed wire, and upwards of three years before it would be able to supply rabbit netting. We do not require any more evidence than that to prove that the supply of these materials is hopelessly behind the demand, and that control is equally necessary for fencing materials and for motor vehicles. We must control both or neither.

I cannot understand the attitude of another place in this matter. It has agreed to the control of certain motor vehicles but has disagreed to the control of other items mentioned in the Bill. There is no logic in that. I support the Minister's attitude; but I would like to know how far he intends to go—whether he intends to see the matter all the way through or whether this is just a show of force at the moment and he is going to capitulate later on.

Mr. BOVELL: I find myself at variance with the Minister and the member for North-East Fremantle.

Hon. J. T. Tonkin: Yes; you are a Liberal!

Mr. BOVELL: I support the amendment suggested by another place. If proof could be given that the control of fencing materials would add one iota to production I would most certainly support the Minister. Farmers throughout my electorate are urgently in need of fencing materials. Some of them have been waiting for two and three years for supplies. This will mean that, after waiting that time, someone will fill in a form and convince a public servant that he is in a better position to receive the fencing materials, so that the long wait will have been in vain. If I were convinced that this additional control would add to the supply, I would support the Minister. I find myself in complete agreement with the amendment moved by another place.

Mr. ACKLAND: I support the Minister in the stand he has taken. This, possibly, is the most important of the three items which have been listed.

Hon. A. R. G. Hawke: Not possibly, but certainly.

Mr. ACKLAND: I think I go around the country as much as most members, and I cannot recall seeing any fencing materials on any of the less developed properties, during the last two years at least, although I have seen some on various other properties. I cannot understand the attitude of the merchants. Possibly they are, to some extent, blackmailed by different people into supplying certain requirements. I believe a threat is put to them on occasions—"If you do not let me have some fencing material I shall send my wool clip somewhere else, or my sheep will be handed to another firm."

We find that people who do not most urgently need certain requirements are, in some cases, getting them. I would like to cite three instances that have come to my notice in my electorate. Last year a man out towards the No. 2 rabbit-proof fence

had a very fine crop of wheat which, I am told, should have averaged between 15 and 18 bushels. Because of the ravages of the emus, he stripped about three. I have been trying hard to obtain some ringlock netting for him to protect this year's crop, but there is not the slightest hope of getting it because his order has not been in as long as some others.

Another man at Dandarragan had, last year, 400 acres of lupins, not one acre of which could he use, because of poison adjoining his property. He had not one yard of fencing on the place. This year he has sufficient lupins—I have seen them—to fatten at least 3,000 sheep. All those lupins will go to waste because, I am told, he will not be able to get any fencing materials, as his order has not been in as long as some others. Only on Sunday last I visted, in company with the member for Yilgarn-Coolgardie, a third property, and it has been established for 40 years. It is not only bounded by rabbit netting, but is divided into three by netting fences. I think I am right in saying that there are more than 30 paddocks on the property—all fine stock-proof paddocks —yet the owner under the present set-up will get his fencing requirements, which are not essential but which will improve the property, before the other two men I have already mentioned.

The member for Sussex said that this will not make any more fencing material available. Well, we know that. The Bill was not introduced for that purpose, but to see that it goes to those places where it is most urgently required. I believe that under this arrangement that can be done. I do not want anyone to run away with the idea that I am criticising the firms who distribute the netting. They are not there to see that the material goes where it is most urgently needed, but to do business in their own best interests. They are only following ordinary business practice if they supply the fencing material ordered from them, so that it will do them the most good. I do not think any member can complain of that attitude, but what we should do is to see that the little material which is available is distributed to those who most urgently require it. I hope the Committee will support the Minister.

Mr. HEGNEY: I express my pleasure at the Minister's attitude. I hope that if a conference eventually takes place, the managers from this Chamber will remain adamant. If the reason of another place for the proposed deletion of the control of fencing materials is as outlined by the member for Sussex, then it is a very weak one. On the basis mentioned by the hon. member, he would agree to the elimination of all control.

Mr. Bovell: That is my ultimate objective.

Mr. HEGNEY: I am speaking of the present. The hon. member would not subscribe to a policy of rationing or control of any sort. The only argument he raised was that production would not be increased if the provision for the control of fencing materials was included. We are not discussing the question of production, but of distribution of certain commodities among which are fencing materials. The principle underlying the Bill is that the available supplies, which do not equal the demand, shall be distributed as equitably as possible. The Minister said that pastoralists and farmers are short of these materials. I know that in the northern areas pastoralists have been short of them for some time, but I would not like to see discrimination used in favour of one pastoralist to the detriment of another. I think the machinery clauses of the Bill will ensure that the fencing material available will be allotted to those most in need. That is why I support the motion.

Question put and passed; the Council's amendments not agreed to.

No. 3—Clause 4: Page 2—Delete the words "or of new fencing materials" in line 10.

No. 4—Clause 6: Page 2—Delete the definition of "fencing materials" in lines 39, 40 and 41.

On motions by the Minister for Transport, the foregoing amendments were not agreed to.

No. 5—Clause 6: Page 3—In definition of "motor vehicle"—Delete all words after the words "motor vehicle" in first line down to and including the figures "1919-1947" in third line, and substitute the words "means a motorcar of over twelve horsepower or a motor truck of a capacity not exceeding one ton."

The MINISTER FOR TRANSPORT: This amendment seeks to have deleted from the Bill power to control motor vehicles of under 12 horsepower, and various other vehicles mentioned in the original Bill. I move—

That the amendment be not agreed to.

If it is necessary to take control over motor vehicles, it is necessary to control them all. While it has been said that supplies of lighter types of cars are more nearly meeting the demand, it is not yet possible to lift the control over them. The Government is anxious to dispense with controls whenever the position is such as to warrant that course being followed. It is felt that we should have power to control these vehicles and then, if supplies improve sufficiently, the control can be lifted accordingly. In October last, 4,600 applications for motor vehicles had been received. That figure is now just under 10,000, and it is increasing by double the rate of the number of permits issued each month. That gives no reason for a belief that we will in the near future be in a position to lift the control from any class of motor vehicle.

Question put and passed; the Council's amendment not agreed to.

No. 6—Clause 7 (1): Paragraph (a)—Delete the words "and new fencing materials" in line 16, on page 3.

Consequentially on amendment No. 6, the following amendments were made:—

Clause 7, Subclause (6):

(i) The words "and the first order relating to new fencing materials" in lines 38 and 39 were deleted.

(ii) The word "each" in line 40 was deleted.

Clause 9, page 4:

(i) The word "or" after the word "tractor" in line 10 was inserted.

(ii) The words "or new fencing materials" in line 11 were deleted.

(iii) The word "or" after the word "tractors" in line 13 was inserted.

(iv) The words "or fencing materials" in line 13 were deleted.

No. 7—Second Schedule: Page 6—In definition of "commercial motor vehicle" delete all words after the word "vehicle" where it appears secondly in line 2 down to the end of the definition and substitute the words "of a capacity not exceeding one ton."

No. 8—Third Schedule: Page 8—In definition of "motorcar" insert after the word "vehicle" in first line the words "of over twelve horsepower."

No. 9—Title: The tile was amended as follows:—

(i) Inserting after the word "Tractors" the word "and."

(ii) Deleting the words "and new Fencing Materials."

On motions by the Minister for Transport, the foregoing amendments were not agreed to.

Resolutions reported and the report adopted.

A committee consisting of the Hon. J. T. Tonkin, Mr. Ackland and the Minister for Transport, drew up reasons for not agreeing to the Council's amendments.

The MINISTER FOR TRANSPORT: I move—

That the reasons be adopted.

Mr. GRAHAM: I may not have been correct, speaking in the terms I used, a few minutes ago, but I wish to assure the Minister and the Government that I am sincere and serious in this matter. I ask the Minister in charge of the Bill whether he will give some assurance to members that if there is a conference between the two Houses to deal with this measure and the managers for the Assembly stand out and ultimately succeed in giving effect to the wishes of this House—at all events substantially—it is his intention to abide by the decision of this House or whether subsequently, at the expiration of an exceedingly short space of time, he will take steps by regulation completely to nullify what has been determined. I feel that members of this House are entitled to know what the intentions of the Minister are in this regard.

The Attorney General: We have heard this from you a thousand times.

Mr. GRAHAM: As long as members of the Government are prepared to show such

scant respect for other members of this Chamber, I will continue to rise from my seat and express disapproval of their taking such steps. There is no need for me to repeat what I have said. We spent the whole of one night thrashing out a certain matter, and, a few days later, the Minister for Lands gave away everything for which we had fought.

The Minister for Lands: That is a misstatement.

Mr. GRAHAM: It is a rotten state of affairs. In all seriousness, I feel that I and other members are entitled to an assurance that what we determine will not be given away, overnight, by way of regulation. I hope the Minister will indicate to the House his attitude in this regard.

The MINISTER FOR TRANSPORT: It is not my intention, Mr. Speaker, to reply to the remarks of the member for East Perth. I consider those remarks to be insulting and such as should not have been addressed to any Government. I resent his imputation that there is any want of sincerity on the part of the Government, and I certainly will not do anything to indicate what my attitude is. I disagree to these amendments made by the Council and I think I am entitled to expect the Opposition to take my word.

Question put and passed, the reasons adopted and a message accordingly returned to the Council.

BILL—FEEDING STUFFS ACT AMENDMENT.

Second Reading.

Debate resumed from the 28th September.

MR. WILD (Swan) [6.0]: I listened with a great amount of interest to the second reading speech of the Minister when he introduced the Bill and also to the speech of the member for North-East Fremantle. The amendment to the Act is long overdue and it is one that has been desired by the poultry industry in Western Australia for a long time. However, it does not go far enough and, although I agree with the Bill in part, when we come to the Committee stage I intend to move an amendment further to strengthen the hand of the poultry farmer so that he will not be given a type of food inferior to that which is supposed to be covered by the registered analysis.

Poultry live mainly on wheat, bran, pollard, meatmeal and green feed, and the Department of Agriculture has drawn up from time to time what it considers to be a fair and equitable ration for each bird. In lieu of these foodstuffs poultry farmers are able to secure various kinds of prepared mashes made up by the millers and manufacturers of prepared foods. Over a period of time these prepared foods have definitely not proved to be according to label. If the poultry farmer could procure sufficient bran, pollard and meatmeal he would be in a position to make up his own poultry food. At the moment a poultry farmer is forced to pay 16s. 5d. per 120 lb. for prepared mashes whereas if the bran and pollard, etc., were readily available he could produce 120 lb. of mash for 11s. 4d.

The millowners control the output of bran and pollard and I suppose we cannot deny the right of an individual to do whatever he wishes with his own product, but I do think that the millowners should be forced to put into that prepared mash a sufficient quantity of proteins to enable a poultry farmer to produce at a payable price. The control maintained by the millowners over bran and pollard means that a poultry farmer cannot get all he wishes and he is thus forced to purchase prepared mashes.

I wish to quote figures supplied by the Government Statistician over the years 1938-39 to 1946-47 showing the quantity of flour, bran and pollard produced in this State, together with the number of eggs produced and exported during the same period. From the figures it will be seen that the production of bran and pollard has been more or less static since 1939, due to no new mills having been erected since that time. Western Australia produced 137,000 tons of flour in 1939. This production decreased to 126,000 tons in 1942—during the war years—but in 1946-47 it rose to 176,000 tons. That quantity is almost the maximum amount that can be produced from the mills of Western Australia.

I was assured this morning when speaking to Mr. Merry of the Millers' Association that, taking into consideration the time required to overhaul the machinery, we have reached almost a 100 per

cent. production. In 1938-39, 34,000 tons of bran were produced and during the same period 23,000 tons of pollard were manufactured. In 1942-43, 31,000 tons of bran were produced and in the year 1946-47 this had increased to 40,000 tons. The amount of pollard manufactured in 1942-43 was 22,000 tons and in 1946-47 this had risen to 28,000 tons. There has been a very slight increase but nothing commensurate with the terrific increase in the number of poultry and eggs produced in Western Australia over the same period.

In 1939—again I quote from "The West Australian Quarterly"—the number of eggs in shell exported from Western Australia was 810,000 dozen and in 1946-47 it had increased to just over 2,000,000 dozen. This shows that there has been a proportional increase in eggs exported from Western Australia from 1938-39 to 1946-47 of over 200 per cent., whereas at the same time the production of bran and pollard from mills in Western Australia has shown a slight increase only. If the millowners are going to retain a large proportion of the brand and pollard that is theirs by right as they crush for flour, then I maintain that it is their responsibility to see that the prepared mashes that they put up for the poultry farmers contain sufficient proteins to allow farmers to make a living. In the past the position has been far from satisfactory. Some two years ago, under this Act, the manufacturers were forced to put the name of the firm and what the product contained on labels attached to the bags containing prepared mashes.

Under an amendment of last year the manufacturers were forced to supply the Department of Agriculture with a registered analysis of what each bag contained, but as I have stated those bags of prepared mashes contained far from what was set out in that registered analysis. They did not reveal the truth. When I use the word "truth" I mean the truth according to the registered analyses deposited with the department. In the past the position has been far from satisfactory, and about 18 months ago snap samples were taken by representatives of the Poultry Farmers' Association of Western Australia.

I had the opportunity of perusing the relevant file. I for one cannot understand why prosecutions were not launched, for if ever false pretences were made they were made in this particular instance. In the "Government Gazette" of the 14th May, 1948, are shown results of analyses of samples of foodstuffs taken under the Feeding Stuffs Act 1928-1946, which further proves that even when the department checks these prepared mashes they are far from satisfactory. Between the 3rd December, 1947 and the 11th March, 1948, a total of 28 analyses were taken and of these 13 were deficient in protein. I will now quote one or two of them—

Date sample taken.	Firm Brand.	Crude Protein.
21/10/47	"Western" Egg Food—	
	Reg. Anal.	40.00
	Sample Anal.	26.20
10/9/47	"Thomas" Chick Starter No. 2—	
	Reg. Anal.	11.00
	Sample Anal.	10.80
6/11/47	"Westfarmers" Sweetened Dairy Meal—	
	Reg. Anal.	11.00
	Sample Anal.	10.20
21/10/47	"Westfarmers" Protein Meal B—	
	Reg. Anal	35.00
	Sample Anal.	33.80
21/10/47	"Redcomb" Laying Pellets—	
	Reg. Anal.	14.00
	Sample Anal.	1200
10/3/48	"Speedy" Meatmeal—	
	Reg. Anal.	38.00
	Sample Anal.	29.1

I realise that checks are made from time to time by the poultry section of the Department of Agriculture of the analyses made of these prepared mashes. However, they are still far from satisfactory although I understand that the department has been short of staff. The poultry farmers cannot get the bran, pollard and meatmeal to prepare their own mashes and, if they are forced to buy prepared mashes from the manufacturers, they should be given what they ask for. If one goes into a shop to buy something and the article is not according to Hoyle then the vendor is liable to prosecution for false pretences. Yet, farmers are forced to take mashes which contain far below the correct amount of protein.

To give the House an illustration of what happens when protein is deficient in these prepared mashes I am going to quote from the Journal of Agriculture of Western Australia of June, 1948, which sets out the tests made at Muresk Agricultural College with various types of mashes, each being given to twelve separate pens, and each pen containing 50 birds. In the case of two pens of birds that were fed on bran, pollard and

meatmeal, etc., with a protein content of 15.2 per cent. the average egg production was 170 from one pen and 150 from the other. With a protein content of 15 per cent., which is only .2 per cent. lower than the previous tests, the eggs obtained from two pens totalled 166 and 118. Then of two further pens on a protein content of only 13.2 per cent. the eggs dropped to 133 and 96. To the poultry farmer that means a tremendous amount. In the first pen quoted, with a protein content of 15.2 per cent., the profit per bird per year over feeding costs was 15s. 9½d., whilst in the pen with only 13.2 per cent. protein the profit was down to 10s. 4¼d.

This indicates that with a protein drop of 2 per cent.—from 15.2 per cent. to 13.2 per cent.—the profit per bird dropped 5s. 6d. which represents approximately 40 per cent. From the figures quoted it can be seen that if these prepared mashes have a slight deficiency of protein as low as only one or 1.5 per cent., that with such a slight deficiency the result to the poultry farmer is disastrous. Yet the previous figures I have quoted showing the analyses taken by the Department of Agriculture illustrate many of these to be as high as 10 per cent. lower and I therefore say to members: "What hope is there for the poultry farmer?" When making some research into this question I also obtained figures regarding an American station similar to Muresk College. In the United States the poultry farmers normally feed 18 to 20 per cent. protein which is higher than in this State. In fact, they even go as high as 30 per cent.

The feeding experiments held at Cornell University U.S.A., show that 12 per cent. protein gives an average of 148 eggs; 14 per cent. protein 156 eggs, and 16 per cent. protein 178 eggs. Those figures are in keeping with tests conducted at Muresk College and show that the analyses and check tests taken by the department are very accurate. I think that lends weight to my argument that a small deficiency in protein of only one or 1.5 per cent. means a difference between starvation and the industry being able to pay. The amending Bill does not go far enough, and in Committee, therefore, I am going to move an amendment to force these manufacturers of prepared mashes to state that the laying mash contains a protein content of not less than 16 per cent. I am also going to ask that we make 16 per cent. the minimum content.

I intend further to disagree with that part of the Bill which desires to absolve the seller of packages of 28 lb. or less of prepared mash from providing an invoice. If it is good enough for the manufacturer to have to attach a label denoting the contents of say a 120 lb. bag, then I submit it is the responsibility of the merchant who breaks it into smaller quantities to have to state on the invoice the exact particulars of the feed he is selling. With these reservations I support the second reading.

Sitting suspended from 6.15 to 7.30 p.m.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay—in reply) [7.30]: When discussing the Bill, the member for North-East Fremantle dealt with the measure and also with me.

Hon. J. T. Tonkin: I think I was rather generous to you.

The MINISTER FOR LANDS: The hon. member gave his blessing to the first two amendments but disagreed to the third. He made the point that I had not explained the position correctly to the House, and he was quite right; I did not do so. It is intended to amend Section 5C, which reads—

> (1) Every person who sells any manufactured food for stock or any by-product shall securely and conspicuously affix a label or brand in accordance with this section to every package containing such food for stock or by-product.

Then it proceeds to set out in Subsection (2)—

> On every such label there shall be set out—
> (a) the name and place of business of the manufacturer or importer;
> (b) the distinguishing name of the stock food or by-product.

It is intended by Clause 4 to add another paragraph reading as follows—

> (c) the chemical analysis, referred to in section five, subsection (1), paragraph (c) of this Act, of the stock-food or by-product.

I think that provision is most essential, and the member for North-East Fremantle approves of it. Then we get to Section 5D, which sets out that—

> Every person who sells any food for stock (whether paid for at the time of sale or not) shall, at the time of sale, or within seven days after delivery of the food for stock, or any part thereof, give to the purchaser an invoice certificate . . . .

It is proposed, under Clause 5, to add a new subsection as follows—

(7) The provisions of this section shall not extend or apply to any package when the net weight of the contents does not exceed twenty-eight pounds.

That also deals with invoices, and we now seek to make it unnecessary for them to be provided when the weight of the parcel is less than 28lb. Dealing with the remarks by the member for Swan, I fully appreciate the need to protect producers with regard to prepared stock-foods. We know those foods can be tampered with. Their contents may not be up to the standard indicated by the analysis, and I agree with the hon. member that poultry farmers would be much better off if they could purchase the essential ingredients and mix the feed for their poultry. That applies equally to fertilisers. If I could get the necessary supplies so that I could mix my own fertilisers, that would be more valuable, from my point of view, in my farming operations.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Amendment of Section 5C:

Mr. WILD: I move an amendment—

That at the end of proposed new paragraph (c) the following words be added:— "and such analysis shall, if the stock food or by-product be laying mash for poultry, show that such laying mash contains protein content of not less than 16 per cent."

I explained during the second reading debate the necessity of ensuring that manufacturers include a certain protein content in laying mashes, and there is no need for me to repeat my argument.

The MINISTER FOR LANDS: I appreciate the desire of the member for Swan to provide laying mash of the highest standard possible, but I am extremely doubtful whether we could force manufacturers to carry out his intention, as indicated by the amendment. I have grave doubts whether we could force the manufacturers to raise the protein content to 16 per cent. If we could do so, it would mean increasing the cost of the mash to the producer because the values of such commodities are based on the analyses of the units contained in the food. My sympathy is with the member for Swan in seeking to achieve what he has suggested.

Hon. A. H. Panton: But he wants your help, not your sympathy.

The MINISTER FOR LANDS: If I felt that we could enforce the amendment, I would be prepared to accept it. I suggest that we report progress at this stage in order that I might have the amendment examined.

Hon. A. A. M. Coverley: Have not you the Attorney General's opinion of the amendment?

The MINISTER FOR LANDS: I have not had time to seek it.

Hon. J. T. TONKIN: I suggest that the amendment be accepted, although experience might show that it cannot be enforced. If the member for Swan could do so, I feel sure he would seek to have the amendment inserted in another section of the Act, but this cannot be done because we are limited to the amending Bill before us. I think members are in agreement with the objective to ensure that manufactured stockfoods shall have a minimum protein content, thus guaranteeing for the purchaser that the food he reluctantly buys, because he cannot obtain the various ingredients separately, will contain a minimum protein content that will go a long way towards giving him what he desires. If the amendment could be inserted in its appropriate place in the Act, it could be enforced, because we could stipulate that the food should be of a certain standard or otherwise could not be offered for sale. However, we cannot lose but might possibly gain something by inserting the amendment as suggested.

The MINISTER FOR LANDS: I repeat that I should like to give effect to the amendment to assist the member for Swan, but I first wish to have it examined.

Progress reported.

BILL—PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th September.

MR. BRADY (Guildford-Midland) [7.46]: I paid close attention to the remarks of the Attorney General when he was moving the second reading and I have since carefully studied the provisions of the Bill. I recall his saying that he had dealt with what he considered to be the vital parts of the Bill, but a close scrutiny has satisfied me that there are some important proposals to which he did not refer. However, this might depend upon one's own point of view.

The Bill proposes to insert a definition of the word "cruelty" and thus provide a simpler way of administering the law and taking action. Whereas previously a police constable had to obtain the sanction of a Justice of the Peace before being able to direct that an animal be not used for work, it is now proposed that the sanction of a justice should not be necessary. The Act contains a provision that when an animal had to be destroyed, the owner's permission had to be obtained and a veterinary surgeon had to be called in to certify that the animal should be destroyed. Those obligations are now to be removed and a police officer or an officer of the R.S.P.C.A., is to be empowered to order that an animal be not worked or that it be destroyed, and there will be nobody who can argue the point.

I admit that those amendments are worthy of consideration and perhaps should be passed, but there is another provision to the effect that an employee shall be held responsible equally with the owner with regard to the ill-treatment of or cruelty to an animal. I believe that the owner was held responsible at common law and also under the existing statute for the act of his employee, but now it is proposed that the employee, as well as the owner, shall be held responsible. I do not approve of the employee being held responsible and, in Committee, I propose to move an amendment to provide that only in certain cases shall responsibility rest on the employee.

A few years ago a farmer in the Meckering district left 250 sheep in a paddock to starve, and I can visualise a farmer in such a case walking off the farm and telling an employee to look after the sheep. Under the amendment proposed in the Bill, the employee would be held responsible and would suffer the penalty. There are cases where a man in charge of an animal might not be responsible for working it or might not know of an injury. Take the instance in a Collie mine where a man was working a horse that was injured. His attention should have been called to the injury much earlier, but the man was dismissed or suspended, which led to a stoppage of work at the mine. I can understand an employee having difficulty in seeing an injury or being able to estimate the danger or the difficulties likely to arise if he continued to work the animal. Therefore, it would be quite wrong for an employee to be made responsible in such cases as a man working a horse in the Collie mines or a man left to look after animals, such as sheep on a farm without sufficient feed for them. That part of the Bill should be amended when we reach the Committee stage. The employee should be made responsible only when he is directly in charge of an animal and has been the cause of the injury or has worked the animal while it is injured.

The Bill also provides that a police officer, or an R.S.P.C.A. officer, shall be responsible in certain districts for determining whether an animal should be destroyed or whether animals should be permitted to be sent by rail, and so on. It should also contain a provision that the police officer or the R.S.P.C.A. officer should be qualified to arrive at such a decision. Here is a case in point! I personally saw an animal injured. A number of people came along and immediately reached the conclusion that the local constable should be sent for to destroy the animal. That was the opinion of the majority; but another layman, a railway employee, came along who apparently had no particular qualifications. He expressed the opinion that the animal was valuable and should be saved. He said that if a veterinarian could be brought to the spot hurriedly, the animal could be saved. His advice was acted upon, the animal was treated and saved. If the Bill passes in its present form it would be possible for a police constable, without qualifications, to decide that an animal should be destroyed when in fact the animal could be saved. In my opinion, an employee should not bear the same responsibility as his employer and I will endeavour to have that provision in the Bill rectified in Committee.

Another provision in the Bill is that an employee should not be excused if he pleads

that the act he was performing was done as a consequence of instructions from his employer. That provision requires close analysis, because, if passed, I believe it will be the cause of great friction between the employee and the employer. An employee who has a good job would be rather hesitant to tell his employer that he should not work certain animals in a team, or that he should not drive a certain number of sheep for a certain distance, as the employer might consider that the employee was telling him how to do his job. Again, the employee might run the risk of losing a good position by arguing the point with his employer. The Bill has a tendency to throw on the employee the responsibility for seeing that an animal is not ill-treated in the manner I have mentioned.

Another part of the Bill which I consider dangerous is the provision—despite the sections of the Justices Act and the Criminal Code—for a minimum penalty of 10s. where a person is found guilty of cruelty to animals. The penalty should be left to the discretion of the magistrate. I have had some experience in this regard myself, and I feel that sometimes a conviction is sufficient penalty. A person may have a subnormal son or daughter, either of whom might ill-treat an animal and subsequently be charged with cruelty. Damages may be awarded to the owner of the animal and I consider that a conviction and payment of damages in such an instance would be sufficient penalty. I hope that in Committee the amendments I have forecast will be agreed to.

MR. MANN (Beverley) [7.56]: I have but little to say on the Bill. No doubt the intentions of the R.S.P.C.A. are very good; but both the parent Act and this amending Bill are farcical, especially when one considers that farmers are forced, under the Vermin Act, to destroy vermin on their property. I should say there is little difference between cruelty to a rabbit and cruelty to a horse. I am prosecuted if I drive a horse with a sore shoulder, but not if I poison rabbits with phosphorus, which results in a lingering, painful death. I have observed the result of phosphorus poisoning. The phosphorus burns out their insides. Traps are set during an afternoon and they may not be visited until late at night or early in the morning; but in the meantime the rabbits are for hours held by their feet in the traps. If I sent six rabbits to Perth in a bag I would be prosecuted, as I would be if I sent six fowls in a crate not big enough to hold them comfortably. Yet I am compelled by the stupid Vermin Act, as amended, to lay a trail of poison on my property to kill rabbits.

Anyone who has seen rabbits die of phosphorus poisoning will concede that there is no more cruel or inhuman way of disposing of animals. Are we sane or insane in our political ideas? This amendment seems to me to be farcical. How can we give effect to the good intentions of the R.S.P.C.A.? Let us have some common basis. I suggest to the Government that it withdraw this amending Bill and bring in some commonsense measure for the protection of animals. It is permissible to destroy vermin under an Act of Parliament—a fool of an Act, too. Consider the case of a horse that has to be destroyed! Who is to decide that it shall be destroyed? For years I have looked upon the R.S.P.C.A. as an honourable body with every intention of doing all it could for the protection of animals. Yet we farmers are obliged to set traps to catch rabbits and dingoes.

I have seen a dingo hanging by his feet from a trap and suffering great pain; but if I sent a dingo pup to Perth in a box unreasonably small,. not conforming to the provisions of the Act, I would be prosecuted, although I would not be prosecuted for letting a dingo hang in a trap for a couple of days. Does not the whole position strike the House as being farcical? If we are going to penalise one, let us penalise the lot, and say that no man shall cause any animal undue pain. But if we decided to do that, we would need to have a definition of "undue pain." Parliament has passed measures before that have made it a laughing stock; and if this Bill be agreed to, it will bring the House into greater ridicule than before. I suggest that a comprehensive Bill be framed to cover vermin as well as other animals.

MR. GRAYDEN (Middle Swan) [8.1]: I am rather surprised at the remarks of the previous speakers, particularly the member for Guildford-Midland. The primary purpose of the Bill is to prevent cruelty to animals, but it appears to me that the mem-

ber for Guildford-Midland is more concerned about protecting the owner and the employee. He desires that an animal, on account of its value, shall not be destroyed if it is injured. I have every sympathy for the owner and the employee; but I have very much more sympathy for the injured animal; because, after all, the employee and the owner can speak for themselves.

We should leave the onus on the employee and the owner, where it rightly belongs. We should give a constable the right to destroy an animal that is injured. That anyone should make the suggestion that a conviction for cruelty is sufficient in some instances is beyond my comprehension. The penalty in the Bill should be made very much more severe rather than be reduced. I cannot quite understand why the member for Beverley suggested that this Bill should be scrapped with a view to the introduction of legislation to deal with the matter on a wider basis. Surely it is better to alleviate such cruelty as we can than to scrap a measure which has that intention, simply because we cannot deal with all cruelty! The fact that certain vermin can be trapped and poisoned is surely no excuse for our not doing everything we can to prevent cruelty in other instances. Therefore I consider we should pass the Bill as it stands rather than amend or defeat it as has been suggested.

HON. J. B. SLEEMAN (Fremantle) [8.5]: It rather amuses me to see the crocodile tears of the member for Middle Swan and to hear of his love for animals, when I realise that in the heart of his electorate cruelty occurs every Saturday. One can go to Belmont or to W.A.T.C. headquarters or Helena Vale and see horses having their lives thrashed out of them in order to save the money of the punters.

Hon. A. H. Panton: Not too much money of the punters is saved!

Hon. J. B. SLEEMAN: Only the Saturday before last I was at the races when a horse came in with blood running down its side. Two ladies nearby said, "What a shame! The police should have something to say about a horse being treated like that." So if the member for Middle Swan wants to do some good for these poor animals, let him visit the places I have mentioned and see what he can do. I have heard people say of a horse, "He has plenty of sting"; and when I asked what that meant, I was told, "He has a drop of poison. Can't you see how his eyes are staring out of his head."

I think the R.S.P.C.A. might go a step further. Perhaps the member for Middle Swan could take its officials out to the amusement parks in his electorate with a view to seeing that these horses are properly treated. Only last Saturday one horse dropped dead after passing the post. What the reason was I am unable to say, but evidently the race was too much for him. Let us be a bit considerate of the poor old horse, which is forced to race to win money for some people and lose it for others. When the member for Middle Swan talks about cruelty to animals he should not forget what is happening in his own electorate.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth—in reply) [8.7]: I listened with interest to the comment on this Bill by the member for Guildford-Midland. I understand he intends to support the measure but disagrees with some of its provisions. I do not propose to deal now with his comments but to discuss them in Committee. I agree with a lot of what the member for Beverley said, but this Bill concerns only domestic or captive animals. The day will come when we will deal with cruelty to all animals, but that day has not yet arrived. However, I do not think that should prevent our making progress as and when we can. Nature itself is cruel and we have not yet conquered Nature; but day by day we are alleviating the suffering caused by Nature's laws. This Bill is a step forward, if only a small one.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clauses 1 to 9—agreed to.

Clause 10—Amendment of Section 18:

Mr. BRADY: I have no amendment written out in connection with paragraph (b), but I feel that there should be something of this nature added, "provided that the employee was advised on employment, of his responsibility under this section."

Mr. MARSHALL: I cannot agree to this proposed new Subsection (2) because it is most objectionable. I would not have been so hostile to the proposal if it dealt with an employee who committed an offence without having been directed by the employer to work the animal concerned. If a worker goes to the owner and says, "The animal is not fit to work because it is ill and has sore shoulders," the boss can reply, "You do as I tell you, and take the horse out." While the employee is executing those orders a policeman or an officer of the R.S.P.C.A. might examine the horse and say it is not fit to be worked. If the employee pleads that he had told his employer it was not fit, it is no defence. He is still liable to punishment. What is the man to do? His only alternative, even though he may have a family to maintain, is to give up his job. That is not fair. Things will not always be as prosperous as they are today, when an employee can walk out of one job into another. Surely the Minister does not expect this to be the law of the land.

Mr. GRAYDEN: The member for Murchison, who has criticised this clause, has the interests of the employees at heart, and I sympathise with him there. At the same time, if we do not allow the clause to remain, the R.S.P.C.A. will have wasted its time in putting up the Bill. The hon. member has quoted an instance of a boss ordering an employee to take out a horse that is injured. The employee can ring up the R.S.P.C.A., or any police station. If he is prepared to take the horse out, he is deserving of everything coming to him.

Mr. Graham: What would you do with the boss?

Mr. GRAYDEN: He is deserving of everything that is coming to him, too. This will provide a loophole by which any employee or employer may get out of the consequences of illtreating an animal. The clause should remain as it is. If we are going to nullify any legislation to prevent cruelty to animals simply on the pretext of doing an injustice to an employee who can speak for himself, then we have reached a sorry state.

Mr. MARSHALL: What a wonderful argument from a man with wealthy and independent relations and who is himself without any family.

Mr. Graham: Give him a chance.

Mr. MARSHALL: All his sympathies are with the animal and so are mine. This provision does not deal with the employer, but only with the employee who, the hon. member says can ring up a police station, and so he can. But the employee has not a grandfather who will leave an estate of thousands of pounds, as has the hon. member. It is easy for a person who has not known the pangs of hunger to talk like that. The hon. member was not battling for a crust during the depression period when unfortunate starving individuals stalked the country with their wives and children. It would be nice for such a man to tell the boss that a horse was injured and he would not take it out, but would ring the police. He would get instant dismissal for doing that. If the employer orders the employee to take the horse out on the road, he must do so or else lose his employment, which would involve a sacrifice on the part of his wife and children.

I hope some of the electors of the member for Middle Swan will discover his attitude in this regard, as many of them were hungry during the depression, and may in future again be hungry. The hon. member does not care whether the employee gets the sack, involving his wife and children in want, so long as a horse is not made to suffer. Let the employer be responsible for the horse, as he is the one who might wish the animal to be made to suffer in order to meet the requirements of the moment. He is the man who should be punished for ill-using the animal, but this provision would throw all the responsibility on the employee.

Mr. BRADY: I move an amendment—

That at the end of the clause the following words be added:—"Provided that the employee was advised on his employment of his responsibility in regard to this section."

Mr. STYANTS: I realise, as does the member for Murchison, that in certain instances the provisions of this clause would be unfair to the employee. An employee might have sole charge of a horse and the employer might not see its condition from one week-end to the next. In those circumstances the employee should be made responsible if he worked an animal that was unfit, but I can visualise the case of an employee being asked to work a horse that was not distinctly unfit. If he mentioned its condition to the employer the employer might examine the animal and, having

decided it was not unfit, order the employee to take it out.

The employee would have to obey the instruction or else risk being charged with disobedience, possibly resulting in dismissal. The Minister does not propose to provide any redress for an employee penalised in that way. If, an employee having been instructed to take the horse out, an inspector of the R.S.P.C.A. or a constable examined the animal and decided it was not fit for work, the provision in the Bill would make the employee liable to a fine, and I cannot agree to that. In such a case the responsibility should be placed on the owner. I do not think the amendment adequately covers the position.

Mr. GRAYDEN: I support the amendment as I think it should be agreed to rather than that the clause should be struck out altogether. We should prevent cruelty being inflicted on animals in preference to simply protecting the employee. The member for Murchison and I both sympathise with the employee, but I have some sympathy also for the animal. If the clause is amended in the way suggested a great deal of cruelty to animals will be prevented. The penalty proposed for working an injured animal is a minimum fine of 10s., but some members have suggested that it is preferable to have cruelty inflicted on injured animals rather than provide such a penalty for the employee.

Mr. GRAHAM: I intend to ask the Committee to vote against both the amendment and the clause as it stands in the Bill. The position was amply outlined by the member for Murchison and is most intolerable. It is monstrous that a man should be compelled to defy his employer and run the risk of dismissal.

Hon. A. H. Panton: It is ordering him to go on strike.

Mr. GRAHAM: Section 18 of the Act covers the situation admirably.

Mr. Marshall: They do not want the employer but the employee to be caught.

Mr. GRAHAM: Is it not a reasonable proposition that the employee is responsible and should be charged if he is found handling an animal unfit for work, unless he is able to prove that he drew the attention of his employer to that fact, and yet, notwithstanding, was compelled to utilise the animal? In such a case the employer would be responsible. That is set out in the Act as it stands, and it provides all the safeguards necessary to ensure that the person guilty of the offence shall be prosecuted for ill-treating the animal. That is the purpose of the Act and the Bill is designed to effect certain improvements. If the amendment is agreed to, it relieves the situation to some extent but it certainly will not resolve the difficulties.

Hon. A. A. M. COVERLEY: I am unable to follow the reasoning of the member for Middle Swan or that of the member for East Perth. I hope the Committee will support the amendment which will give some protection to an employee, who, out of feeling for an animal, is prepared to draw his employer's attention to that animal's condition. If the employer is a master baker and is told by his driver, "Old Nobby is a bit lame and I do not think he should go out this morning," the baker might say, "We have not a spare horse in the yard and our customers are waiting for the bread which must be delivered."

It is quite likely the master baker would say that in the hope that in the early hours of the morning the carter would return home before an R.S.P.C.A. inspector picked him up. However, if the employee refuses to take a horse out under those conditions, he is quite likely to be told to collect his pay and go. The employee either takes the horse out or loses his job. The amendment will at least provide protection for an employee where he draws the owner's attention to an animal's condition. After that I hope the clause itself will not be agreed to because there is ample provision in the parent Act for the taking of action against either an employee or an employer who is responsible for an animal being ill-treated.

Mr. LESLIE: It seems to me that we have reached the stage where, in order to protect the interests of both the employer and employee and to meet the wishes of the Minister and the R.S.P.C.A., we are likely to place an injustice upon somebody. I do not like the clause as it stands, nor do I like the amendment, because I do not think it will meet the position. Many employees will consider their bread and butter first and will take the chance of meeting a member

of the Police Force or an inspector of the R.S.P.C.A. so it is necessary to provide that the responsibility shall rest on the right shoulders. If an employee who is ordered to do a job points out to his employer the condition of an animal at the time, or what is likely to result by the carrying out of his orders, and is then compelled to obey instructions against his better judgment, the responsibility rests with the employer.

Where an employee fails to make his employer aware of the likely consequences of the employer's order, the employer cannot then be held responsible, because a case of that kind is already provided for under the Act. However, it would be wrong to say that the employee is at fault and to pass all the responsibility to him. What is required is an additional proviso or an amendment which shall state that the employer will not be responsible unless it can be proved that he was aware that cruelty was likely to result. The employee would then have a defence that he had faithfully performed his job as far as the employer and the animal were concerned.

Mr. Hoar: That is in the Act now.

Mr. LESLIE: I am not satisfied, and apparently the Crown Law Department is not satisfied, that that section will cover the position.

Hon. A. A. M. Coverley: Why do you not read the Act?

Mr. LESLIE: I have, but there must be a reason for the clause being in the Bill. There must be a loophole in the Act. As the clause stands it is too sweeping, and we should add something to place the responsibility on the person committing the offence. In view of the conflict of opinion on the matter, I suggest to the Minister that he close the discussion and give further consideration to the clause.

Mr. BOVELL: I thank the member for Kalgoorlie for his contribution to the debate. The fundamental point is that the blame should be attachable to the person concerned. According to the member for East Perth, the Act at present provides that the blame shall be attachable to the employee. I would like to hear the Minister on the necessity for this clause. I am fully convinced that the clause should provide for the blame to be attachable to either the employee or the employer, but I am not satisfied that the amendment of the member for Guildford-Midland will help the position materially.

The ATTORNEY GENERAL: There has been quite an interesting argument on the clause, and there is a lot to be said for the points put forward. I do not think the amendment is wise, because it would lead only to endless confusion in the attempt to interpret it if it ever came to the point that the prosecution had to prove that the employee was told of his responsibility on his engagement. Therefore, I cannot agree to it. As far as the objections to the clause are concerned, one has to take one view or the other. It is not easy to decide.

Hon. A. R. G. Hawke: Do not keep us in suspense too long!

The ATTORNEY GENERAL: I will not; no more than the member for Northam would, in the circumstances. I think we have reached the stage when, irrespective of orders and compulsion, we say, "You must bear the responsibility." If a person is accused of beating a child, it is no defence for him to say, "I was ordered to beat the child." It is just a question of what stage we have reached in our evolution; whether we would be justified in blaming a man whose job is at stake for being cruel to an animal. After all, he may be cruel to a child but not to an animal, because he may suffer as a result. However, I am in doubt whether he would suffer today, because I think we have reached a stage in industrial organisation where such a thing would not take place. It certainly would not take place with any lumper because he has a good union to protect him. If this occurred only in connection with cruelty in the case of a member of that organisation I would not have the least sympathy, because I know he could protect himself and there are members of other unions who could amply protect themselves also. But there are some employees who may not be able to protect themselves sufficiently against the severity of this clause. So far as I am personally concerned, I will leave it to the Committee.

Mr. Hoar: You are placing the responsibility upon us!

The ATTORNEY GENERAL: Yes. If we have not advanced far enough to enable us to deal with cruelty to animals irrespective of any question of duress, I shall be

astonished. I know it is the wish of every member to afford the maximum protection possible and therefore I will leave the matter to the Committee. I recognise that there is much to be said both for and against the proposal.

Amendment put and a division taken with the following result:—

Ayes	20
Noes	19
Majority for ..	1

AYES.

Mr. Brady	Mr. Murray
Mr. Cornell	Mr. Needham
Mr. Coverley	Mr. Panton
Mr. Hawke	Mr. Read
Mr. Hegney	Mr. Reynolds
Mr. Hoar	Mr. Shearn
Mr. Kelly	Mr. Sleeman
Mr. Mann	Mr. Smith
Mr. Marshall	Mr. Tonkin
Mr. May	Mr. Rodoreda (*Teller.*)

NOES.

Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Nimmo
Mr. Bovell	Mr. Seward
Mr. Doney	Mr. Styants
Mr. Fox	Mr. Thorn
Mr. Graham	Mr. Watts
Mr. Grayden	Mr. Wild
Mr. Hall	Mr. Yates
Mr. Hill	Mr. Leslie
Mr. McDonald	(*Teller.*)

Amendment thus passed.

Clause, as amended, put and negatived.

Clauses 11 to 14, Title—agreed to.

Bill reported with an amendment.

BILL—MARRIAGE ACT AMENDMENT.

In Committee.

Mr. Perkins in the Chair; the Minister for Housing in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 5:

Mr. STYANTS: I would like some information from the Minister regarding the proposal embodied in the new subsection, which seeks to add to those already able to solemnise a marriage, a person who is nominated by a religious denomination for the purpose of celebrating a particular marriage. The Minister said this was to provide means for a couple in a remote area to marry without having to journey to a clergyman or District Registrar. I have no objection to that. However, the Minister went on to say—

> On the request of a religious denomination, the Registrar General may authorise a marriage to be solemnised by some lay person who is not a district registrar of marriages where it is desired that the marriage should take place in a remote area in which there is no district registrar or clergyman empowered to officiate in a matter of that kind. The person to celebrate the marriage in such a case is to be nominated by the religious body concerned.

The proposed new subsection does not say that. It says—

> In respect to any particular marriage, any person whose name, designation, religious denomination and usual place of residence have been registered according to law in the office of the Registrar General as authorised to celebrate that particular marriage.

No reference is made to nomination by a religious body. Does the Minister propose to make provision, as he indicated, by way of regulation? If so, I object. The law provides for civil and church marriages, and a couple in a remote area not desiring to be married by the church should be able to make application to the nearest District Registrar for the nomination of a person to celebrate that marriage. I should like to know exactly what the Minister means.

The MINISTER FOR HOUSING: A provision by which at the request of a religious denomination, a lay person may be nominated in a remote area to celebrate a marriage is contained in the complementary measure—the Births, Deaths and Marriages Act Amendment Bill, and there is need for an ancillary provision in this statute to link up with that provision. Section 5 of the Marriage Act provides that a minister of religion or the District Registrar and none other may celebrate marriages. If we provide for marriages in remote areas as suggested, then we need to add to the list of people authorised to celebrate marriages a third class, namely, a person nominated for a particular marriage.

Mr. Styants: Why nominated by a religious denomination instead of by the couple concerned?

The MINISTER FOR HOUSING: That matter could be argued. This is a new provision. The Registrar General was anxious to have it so framed as to meet with the full approbation of the religious organisations. It was thought that a religious organisation might agree to a marriage being solemnised by a lay person if it could nominate that person.

Hon. J. B. Sleeman: What if it were a mixed marriage?

The MINISTER FOR HOUSING: Then the provision would not operate because the consent of the religious organisation could not be obtained. A religious body might not be disposed to have the ceremony performed by a person nominated by the parties, who might not exercise the discretion and judgment that a religious body would. I have discussed the suggestion made on the second reading that the provision might be extended to allow, at the request of the parties, a lay person to be nominated by the Registrar General to conduct a marriage according to the ordinary form of registry office marriages. If the member for Murchison moves an amendment to that effect, I shall have no objection to it. The present proposal, with any addition members might think fit to include power to have marriages celebrated according to registry office form, might be useful and, as now drawn, it might well be left in this form, because care has been taken not to run counter to the susceptibilities or feelings of religious bodies.

Mr. STYANTS: From the Minister's explanation, I gather that he proposes to give effect in the complementary Bill—Registration of Births, Deaths and Marriages Act Amendment Bill—to what I wish. The Bill now before us does not provide that the lay person has to be nominated by a religious denomination; that point is left open. A lay person, registered with the Registrar General, could perform the marriage.

The Minister for Housing: That is so.

Mr. STYANTS: I am therefore prepared to wait until the member for Murchison moves his amendment to the other Bill.

Clause put and passed.

Clause 4—Repeal of Section 9 and substitution of new section:

Mr. LESLIE: This clause is an attempt to bring the law in Western Australia into line with what prevails in many other parts of the British Empire as regards a parent withholding consent to the marriage of a minor. There the minor has a right of appeal to a higher authority. Like the member for Kalgoorlie, I do not wish any interference with the family unit; but I am willing to concede that where the decision rests with a single parent or with the legal guardian of a minor, it is possible that prejudice or perhaps selfishness may be the cause of withholding the consent unreasonably. I would not for a moment agree that a similar set of circumstances is likely to arise where both parents are living together and where the consent of both is withheld.

Here I consider that to trespass upon the family life is definitely outside the functions of a Government. Both parents would then be acting in the best interests of the child. Suppose the parents are not so acting, then we must admit that up to the time the minor asks for consent there is harmony in the home. But if provision is made that the child has an appeal against the decision of his parents, then immediately there will be created family trouble and discord, which might result in the breaking up of what otherwise was a good home. It might be suggested that Subsection (2) of the proposed new section would apply only where the consent of an individual parent was required. I am not satisfied on this point. I wish to make certain that the consent of both parents must be obtained when such parents are living together and that in such case the minor has no appeal. I move an amendment—

That at the end of Subsection (2) of the proposed new section the following proviso be added:—"Provided that the Court shall not entertain any such application where the consent to the marriage has been refused by both parents when such parents are living together."

When the parents are separated, it is the custom that one parent only shall have the custody of the child and that parent is the one whose consent is required.

The MINISTER FOR HOUSING: There is some merit in the amendment in imposing this degree of limitation on the right of appeal from the refusal of the consent to a marriage. I am therefore prepared to support it.

Mr. STYANTS: The amendment is an improvement on the Bill, but nevertheless I cannot support a provision which would allow a magistrate or a judge to override the decision of a parent as to whether his child should be permitted to enter into a marriage before attaining the age of 21 years. All members realise the value of the family unit, which is the foundation stone upon which our social system is erected. I go further. I say it is the sheet anchor of our civilisation. Any law which would tend

to interfere with or override the authority of the parent is, in my opinion, a retrograde step. The law at present holds the parents responsible for the actions of their children until they reach the age of 21 years; yet, in this, which I consider one of the most important steps a boy or girl can take, the Bill proposes that there shall be an appeal against the decision of a parent who has reared and educated the child.

I do not think anything could be more conducive to undermining the authority of parents over their children than a measure of this kind. We are told by those who have studied this question that lack of parental control is responsible for much child delinquency. Yet the Bill proposes to take away control from parents who are prepared to exercise it in the matter of preventing a rash act that their children may be contemplating. Imagine the psychological effect this will have upon some precocious children; because I am of the opinion that a boy or girl who wishes to be married before the age of 21 may be generally considered to be of an impulsive, precocious nature, particularly when it is realised that the average age at which females in Australia marry is 25½ years; and that of males, 28½ or 29 years.

I would like to ask members who they consider would be the most competent judges of what is in the best interests of children —their parents, or public servants who would approach the matter in a casual, coldly official way. I do not think there is any doubt that the parents would be the best judges. There are certain people, particularly members of the legal fraternity, who have an unlimited faith in magistrates and judges. I admit that in matters of law I bow to their findings; but when it comes to a question of who is most qualified to say what is in the best interests of boys and girls and how to ensure their successful marriage, I consider that it is the parents who have borne and reared them rather than magistrates or judges, no matter how good the motives by which they might be actuated.

Amongst my few magisterial acquaintances I know two at least who have most unorthodox ideas upon marriage and the upbringing of children, and I would not like them to have a say as to what should be done with any children of mine. As a matter of fact, I have no axe to grind, because my children are over 21 and are married; but I do not want to see something foisted on to other parents that I would object to having foisted on me if my children were under 21.

In introducing the measure the Minister, in extenuation of the proposal to grant to the mother as well as to the father the right of refusing consent to the marriage of a minor, said that the marriage might not be a provident one in the parents' opinion. I agree a marriage might not have the prospect of being a provident one, and might have the prospect of being something very much worse; but I want members to realise that if parents object to a marriage, the child will have the right to go to a magistrate or a judge who may overrule the decision of the parents. I know of a case in which a prospective son-in-law appeared to be quite normal, whereas there was in fact a taint of insanity in his family. The parents of the girl who wished to marry him had been lifelong friends of the boy's parents, but had kept from the girl the knowledge of this taint, just as the boy's parents had kept it from him.

Suppose the parents of such a girl objected to her being married to such a man, then under the Bill she could go to a magistrate or a judge and seek to have her parents' decision overruled. The parents would then have to state the reason for their refusal, and so the family skelton of the other party would have to be taken out of the cupboard and dragged around the court-room. Imagine the feelings of the young fellow who would thus be made to realise for the first time the taint of insanity in his family!

In ninety-nine cases out of a hundred, parents have a solid reason for refusing to allow their children who are under age to be married. There may be cases where consent is refused through vindictiveness arising out of family quarrels, but I think they would be very rare.

If a balance were struck between cases of vindictiveness and those where parents otherwise object to a marriage, we would find it would be definitely against vindictiveness.

The Minister for Education: What do you propose to do with the amendment?

Mr. STYANTS: It is an improvement on the Bill, but we should not have even that. A parent should have a definite right as against a judge or magistrate. This will create a good deal of domestic discord. Even when one parent objects, the same point that I have raised, of dragging out the family skeleton, will operate. The mother or father of the protesting child will have to go before the magistrate and disclose the reasons for objecting. From that point of view, the amendment is just as objectionable as the provision in the Bill. Last week, representatives of the "Daily News" approached the leaders of certain women's organisations in Perth to get their opinions on this matter, and apparently I have some allies. It might be worth while to read the report in the "Daily News," It is as follows:—

Leaders of two Perth women's organisations are opposed to the Marriage Act Amendment Bill, which passed the second reading in the Legislative Assembly last night.

The Bill proposes to give a person under 21 the right of appeal to a Supreme Court judge against any refusal of consent to marriage. It also gives the right to grant or refuse consent to the mother as well as the father.

"I think it is very inadvisable legislation," said president Mrs. R. E. Pratt, of the W.A. National Council of Women.

"It would cause a feeling of disruption in the home which does not exist at present."

It was possible at present in special circumstances, for a magistrate to give consent for minors to marry, and that provision was all that was necessary Mrs. Pratt said.

"I daresay some parents are too hard, but I don't think that applies to the average mother or father—as usual, the innocent must suffer for the guilty," she said.

President Mrs. B. M. Rischbieth, of the Women's Service Guilds, said that her first reaction to the proposed amendment was that it was "a very unwise piece of legislation."

I ask members to give this a personal application, and consider what their reactions would be if one of their children contemplated entering into an alliance with a member of a family where there was some well known mental or physical taint, or where the parents had a criminal record, or were not of good moral character. Also I ask them to imagine their feelings if they had to go before a judge and disillusion the opposite party. If the judge decided to agree with the parents, the girl and boy might go to another district and make false declarations, as they frequently do, and get married, or they might decide to wait until reaching the age of 21 years before getting married, or they might not go on with it at all, but one thing is certain, that in these circumstances there would be a life-long estrangement between the son or daughter-in-law and the father and mother-in-law. There is very little to recommend this proposal. The present Act works very well. I hope the Committee will reject the amendment and what is suggested in the Bill.

Mr. NEEDHAM: The amendment is the lesser of two evils, but I intend to vote against both it and the clause. Parliament is going out of its way in this case to interfere with other people's business. This is an attempt to bring in legislation to satisfy the demands of a very small section of the community. It has always been contended that legislation is for the greatest good of the greatest number. That does not apply here. I agree with the member for Kalgoorlie that legislation such as this would be injurious to the unity of the family. There is no gainsaying the fact that our Christian way of life is based on the family unit. I hope the day will never arrive when this or any other Parliament in the British Commonwealth of Nations will pass legislation of this nature. We have all heard it said that an Englishman's home is his castle, and the Britisher is very careful who shall interfere with his privilege of being master in his own home. Surely this would be an interference, in that regard, with the parents of a child who elects to marry and seeks the consent of the father and mother.

The member for Kalgoorlie has ably stated that no magistrate, judge or registrar can take the place of the father and mother in a matter such as this. If the parents do not know whether consent to the marriage should be given, how can any other person make such a decision? If this provision became law I believe there would be an increase in the number of divorce cases, which is already far too high. In recent times we have read in the Press of a great number of divorces, many of which arose in the case of marriages contracted during the war period.

This Committee should do nothing to facilitate hasty marriages that may lead to a life of unpleasantness for the parties concerned. The Minister, when introduc-

ing the Bill, probably did not think it would have that effect, but I feel we should be extremely careful in interfering with the home-life of our people in a matter as delicate as this is. The measure could be the cause of fathers and mothers having in court to reveal in full the domestic troubles that they would wish to keep to themselves. It would lead to skeletons in family cupboards being exposed to the public view. I feel that the Committee should not only reject the amendment, but all of this provision.

Mr. LESLIE: I am astonished at the member for Perth suggesting that my amendment, the purpose of which is to maintain the sanctity of family life and the home, should be rejected. I believe that in such matters the decision should lie with the parents, and I do not see how the member for Perth can reconcile that fact with his desire that the Committee should not agree to the amendment. Where parents are separated the family unit has already gone by the board. My aim is to see to it that the family unit is not broken up by some action on the part of a child. No parent, no matter how misguided, would wait until the skeleton in the cupboard had to be revealed in public before making the members of the family who were concerned conversant with the real reason for objection to the marriage taking place. When parents are living together and endeavouring to bring up their children in the Christian way of life no-one has any right to interfere, and the purpose of my amendment is to prevent such interference.

The MINISTER FOR EDUCATION: The Minister in charge of the Bill has agreed to the amendment moved by the member for Mt. Marshall, who says he does not desire to see any right of appeal where the parents are living together. On that basis the arguments raised by the member for Kalgoorlie and the member for Perth are substantially in favour of the amendment. If the amendment is agreed to the only case where there will be a right of appeal will be where the parents are not living together and have refused to grant consent to the marriage. I have some reason to believe that circumstances of that nature were the genesis of this proposal.

When I sat on the other side of the House I made representations to the Chief Secretary of that day for an amendment such as this to be incorporated in this legislation. From the communications I received the indications were that the matter was being considered favourably at that time by the Chief Secretary's Department, but I conclude it was impossible to take any action before the general election that intervened some months later. The circumstances that I represented to the Chief Secretary of that day were these; a husband and wife, having a daughter 19 years of age, had for many years lived together quite happily. But two or three years prior to the daughter becoming 19, the father had become an inveterate drunkard.

The result was that the family showed every sign of breaking up, because under the influence of liquor his behaviour towards his wife and daughter became despicable. To protect the interests of both her daughter and herself, the mother made application to a magistrate for a separation order but upon consideration, and on the advice of her solicitor, it was substituted for an agreement for separation between the parties. She made no claim for maintenance because, having an occupation before her marriage, she was quite prepared to resume this occupation and make no claim in the circumstances. That was her idea and I am merely citing the instance.

The solicitor advised her to place in the agreement a small amount of either 10s. or £1. a week, to which she consented. A couple of years after the husband and wife were separated the daughter wished to get married to a desirable young man. She was then 19 years of age and the Act provided that the consent of the father should be obtained. The father was found and still had jurisdiction and therefore no application could be made to a Justice of the Peace for consent, and both the girl and her mother wrote to the father and explained the circumstances. The father was acquainted with the young man prior to the family being split up and both the girl and her mother asked him to give his consent. He refused and stated that for all he cared she could remain single until she was 21.

Those circumstances are not necessarily unique because at least one other similar case has come under my notice since that time, and it is reasonable that there should be some institution or individual who can

overcome what was nothing more nor less, in those circumstances, than hastiness on the part of the father. It had nothing whatever to do with the suitability of the contracting parties or with the maintenance of the Christian way of life. I was prepared originally to support the Bill as it stood but I frankly admit that having heard the arguments put forward by the member for Mt. Marshall, I agree with his amendment. When the parties are living together and there is a friendly relationship between them, it is undesirable that a third party should be brought into the question, but, in such an instance as I mentioned, it is desirable that the legislature should give some consideration to a means whereby this state of affairs can be prevented. In that case the mother, who was helping to maintain the girl, was quite satisfied with the suitability of the intended bridegroom, yet the mother had no rights to enable her to give consent without obtaining that of the father as well. I hope the Committee will agree to the amendment.

Mr. STYANTS: The amendment moved by the member for Mt. Marshall goes some distance and makes the provisions of the Bill less objectionable but it does not remove all the objections. It does not even preserve the family unit as suggested by the Minister for Education. Take the case of a widow who has reared her family and one of the children, either boy or girl, decides to make a suitable match! If she refuses to give consent, it is left to the son or daughter, as the case may be, to take proceedings before a magistrate or judge in order to override her decision, although she has in effect been the means of keeping the family unit together after the death of her husband.

Exactly the same conditions prevail so far as a widower is concerned. It might also happen that a wife deserts her husband and children, and the husband is forced to make provision for the rearing of the children and keep the home going because the mother had gone beyond the stage of being interested in the family. If the mother decides to give consent to a son or daughter being married, it does not matter whether it is a suitable union or not, the father's objection can be overridden by the child, either boy or girl, taking the case to court and having the objection overruled.

The argument put up by the member for Mt. Marshall against mine that in the case of a taint of insanity or physical defect the objecting parents would not hide it from their child is quite reasonable. However, it does not hold when the objecting parents reveal the grounds of their objection to the prospective daughter or son-in-law. In fact, it would be with the greatest reluctance that people would go even to a magistrate, and reveal in the presence of the young man or woman to whom they were objecting the fact that at least at some time their antecedents had a particular taint.

I will admit that the case submitted by the Minister for Education could occur, but there was no great hardship inflicted on the girl in question as she was only 19. It is an established fact that a higher percentage of juvenile marriages finish up in the Divorce Court than of those that take place later in life, and by that I do not mean 30 or 40 years of age. In normal circumstances my advice to young people would be not to get married at 19 years of age. At that age they want to see something of the world and obtain some further mature knowledge if their marriage is to be successful. If the amendment is agreed to it will still leave many objectionable points in the Bill. I hope the Committee will not agree to either the Bill or the proposed amendment.

The MINISTER FOR HOUSING: I intimated that I favoured this amendment. In my opinion the limitation on the power to appeal is justified, but I have not dealt with the broader question which has been dealt with by the member for Kalgoorlie and other members as I thought I would do that on the general clause, but as the discussion has ranged over that aspect I hope I may be permitted to say a few words. I am advised that this provision is the law in all the other States and New Zealand. It was accepted 23 years ago by the House of Lords in England and the Lords Spiritual who comprise part of the members of that Chamber and it is still the law. As far as I know, no dire consequences have ensued either in the 23 years of English application or in the period that this law has been in force in Australian States and New Zealand.

An Englishman's home is his castle, but I think if one goes to the home nowadays it

will be found that the young people of 18 and onwards are seldom there. In many countries persons at the age of 18 can elect Parliamentary representatives and take part in forming the Government. I differ from the member for Kalgoorlie when he suggested that parents were liable for children up to 21 years of age. Their liability ceases almost entirely when the children are 16.

Whilst I appreciate the honourable approach of the members for Kalgoorlie and Perth in this matter, I think they are taking far too apprehensive a view of this legislation. It is not new; it is old. When we deal with the case of the prospective son-in-law in whose family there might be insanity or some other factor, as the member for Kalgoorlie has said, it may be only a year or two when the child reaches 21 that the parent would have to choose to disclose the fact or not. The idea in the minds of parents of one party about the antecedents of the other party may be quite untrue and on such false ideas they will intervene and prevent the marriage taking place. In the comparatively few cases where this arises we need not lay undue emphasis on this aspect, bearing in mind that if it does arise it will be within a few months or a year or two when the minor becomes 21 years of age. If the Committee carries this amendment there will be no appeal to a judge. The appeal will be allowed when there is only one guardian parent concerned who would take less interest in the case than would a judge or magistrate.

Mr. Styants: Will you make provision for the widow or widower in the amendment?

The MINISTER FOR HOUSING: If we go as far as the member for Mt. Marshall desires, then we may simply leave the clause as it is. The "parent" may be a guardian, an individual parent or a justice as the case may be. If there are two parents living together and they do not agree, there will be discord. It would be far better to have a responsible person settle the matter. Judges and magistrates deal with these family matters day by day, and determine the custody of even children of the most tender ages.

Hon. E. H. H. Hall: But that would be in exceptional cases.

The MINISTER FOR HOUSING: They decide matters affecting matrimonial relations every day.

Mr. Styants: But those matters are quite different from this.

The MINISTER FOR HOUSING: I do not think they are different at all. Judges and magistrates have a sense of responsibility in dealing with cases affecting family relations, and, with the safeguard in the amendment now proposed, we may reasonably provide that young people who may be 18 or 20 years of age—they are quite able to make up their own minds, have been away from the family circle for years earning their own living or running a business or having acquired a profession or occupation, who wish to get married, but their parents' consent is refused—may have some independent, impartial person to whom they may appeal.

Mr. NEEDHAM: The member for Mt. Marshall expressed surprise at my opposition to his amendment and contended that his proposal would preserve family unity. I oppose his amendment because, by a later one he intends to move, he is to undo what he seeks to accomplish by his present amendment.

The CHAIRMAN: Order! The hon. member is not entitled to discuss an amendment that has not yet been moved.

Mr. NEEDHAM: Quite so! The amendment is not deserving of support unless altered to ensure that family unity is thoroughly protected.

Mr. MARSHALL: I move—

That progress be reported.

Motion put and negatived.

Hon. J. B. SLEEMAN: As it appears that the Bill will be passed, together with the amendment proposed, it all depends upon the angle from which the whole matter is viewed. I have heard of forgotten men, but in this instance there is the forgotten girl. I know of several cases that suggest parents are not always reasonable. There was an instance not many years ago of a girl who got into trouble and the young man concerned wished to marry her. His parents decided he was much too good for the girl, refused their consent to the marriage and kept at him so that eventually his mind was poisoned against the girl

and he did not marry her. I would like to see the clause amended to make provision to meet cases of expediency where the parents are obstinate, and to allow of appeals to a judge or magistrate.

The MINISTER FOR HOUSING: The member for Fremantle is quite right in saying that cases such as he mentioned do arise, but I think it would be difficult and possibly invidious if we were to endeavour to frame an amendment to deal with specific cases of that description.

Hon. A. H. Panton: Hear, hear!

The MINISTER FOR HOUSING: The clause will help to protect a girl placed in a position such as that mentioned by the member for Fremantle. I think it better to ensure that the Bill contains a principle, for we cannot restrict ourselves to individual cases. We must take a broad view.

Mr. STYANTS: I move—

That the amendment be amended by inserting after the word "together" the words "or in the case of where one parent is dead."

The amendment will provide the widow, or widower, with the same jurisdiction as is provided for parents who are living and residing together.

The MINISTER FOR HOUSING: I cannot support the amendment on the amendment. An individual parent may not be right in his attitude and may not have seen his child for years.

Mr. Styants: Or he may have reared him and educated him, and the child may even be living with him.

The MINISTER FOR HOUSING: Quite so, or he may have been away from home earning his own living for years. While I support the original amendment with no appeal where the two parents are living together and refuse their consent, where there is only one of the parents living it is a different matter. We should preserve to a minor who desires to get married the right to have reference to an independent person if one parent refuses to give consent.

Amendment on amendment put and a division taken with the following result:—

Ayes	14
Noes	23
Majority against	9

AYES.	
Mr. Ackland	Mr. Murray
Mr. Brady	Mr. Needham
Mr. Fox	Mr. Panton
Mr. Hegney	Mr. Sleeman
Mr. Kelly	Mr. Styants
Mr. Marshall	Mr. Tonkin
Mr. May	Mr. Coverley (*Teller.*)

NOES.	
Mr. Abbott	Mr. Read
Mr. Bovell	Mr. Reynolds
Mr. Cornell	Mr. Rodoreda
Mr. Doney	Mr. Seward
Mr. Graham	Mr. Shearn
Mr. Grayden	Mr. Smith
Mr. Hall	Mr. Thorn
Mr. Hill	Mr. Watts
Mr. Hoar	Mr. Wild
Mr. McDonald	Mr. Yates
Mr. McLarty	Mr. Leslie
Mr. Nimmo	(*Teller.*)

Amendment on amendment thus negatived.

Amendment put and passed.

The MINISTER FOR HOUSING: I move an amendment—

That the following words be added to the proposed new Subsection (4):—"The jurisdiction of the Court shall be exercised in Chambers."

This will make the position certain.

Amendment put and passed; the clause, as amended, agreed to.

Clause 5—Repeal of Section 11 and substitution of new section:

Mr. STYANTS: I cannot understand what is intended by portion of the proposed new section. I cannot see that it even makes sense. Provision is made for certificates to be in triplicate. In the case of a marriage performed by a minister, the provision is all right, but I cannot make sense of what is required as to the disposition of the three copies of the certificate in a marriage celebrated by a District Registrar. That portion of the proposed new section reads—

and such district registrar or officiating minister shall, immediately after the marriage, deliver one of such certificates to one of the parties to the marriage and shall keep another of such certificates as a record of the marriage. In the case of a marriage celebrated by a district registrar, the remaining or third certificate, together with the second certificate hereinbefore referred to, shall be registered by him immediately after the marriage.

What is required in the case of a marriage celebrated by a District Registrar is that he shall hand one copy to the contracting parties, keep the second copy and send the third copy to the Registrar General. That, however, cannot be read into the wording I have quoted. There is no pro-

vision for the recording of the third certificate by the Registrar General. If accepted, the amendment will provide that the registrar shall deliver one of such certificates to one of the parties to the marriage and keep another as a record of the marriage; in the case of a marriage by a District Registrar, the remaining or third certificate shall be transmitted by him within 14 days to the Registrar General. In the case of a marriage celebrated by a minister of religion, the remaining third certificate shall be transmitted by him within 14 days to the registrar of the district where the marriage was celebrated. I move an amendment—

That in lines 16, 17 and 18 the words "together with the second certificate hereinbefore referred to shall be registered by him immediately after the marriage" be struck out with a view to inserting other words.

The MINISTER FOR HOUSING: I fully sympathise with the member for Kalgoorlie on the difficulty of interpreting the references to marriage certificates in the two Bills which we have been considering. At first, I thought he was on the right track, but now I have grave doubts, because although by the Bill both the registrar and the minister of religion are required to make out three copies of the certificate of marriage, I find on looking at the parent Acts and also at the Bills, that when it comes to what the registrar does, the measures speak of registering the certificates, and apparently the technical meaning of that is the filing of the certificates. The complementary Bill, if I may be permitted to refer to it, provides that the registrar shall transmit duplicates of marriage certificates. In a latter part of that Bill it is provided that every District Registrar, immediately after a marriage celebrated by him, shall register in duplicate the several particulars relating to the marriage. So, apparently, when the copies are filed in the office of the Registrar General and in the office of the District Registrar, that is called registering.

Mr. Styants: It does not make sense.

The MINISTER FOR HOUSING: And therefore, in the proposed section referred to by the member for Kalgoorlie, the registrar is required to register not only the copy which he retains, but the second copy as well.

Mr. STYANTS: The Bill does not make any provision for the second and third copies of the certificate to be sent to the Registrar General. The Minister is reading another Bill to show what ought to be included in the Bill before the Committee.

The MINISTER FOR HOUSING: The two Bills must be read together. One is a Bill to provide for the performance of the marriage; the other a Bill to register a marriage. I suggest that the member for Kalgoorlie might be good enough to withdraw the amendment and I will undertake to consult the Registrar General and the Parliamentary Draftsman. If there is any ambiguity or mistake, I will have the clause recommitted.

Mr. STYANTS: It seems to me rather peculiar that, in order to justify an ambiguity in the Bill before us, the Minister has to refer to another Bill. Even so, I am still of the opinion that there is no relationship between the measures as far as concerns this provision in the measure before us. The Bill to which the Minister referred deals with the registration of births, deaths and marriages; and this particular provision is for the disposal of the three copies of the marriage certificate and does not refer to registration at all. It is a matter of who is going to have possession of the three copies. One portion of the Bill states that the District Registrar shall retain one copy but there is no reference as to who shall have the third copy. The information I have from the Registrar General's Department is that the District Registrar hands one copy to the contracting parties, keeps one for himself and sends one to the Registrar General. But in view of the fact that the Minister has a doubt whether this provision is correctly worded to provide what is wanted, and his assurance that he will consult the Registrar General and will have the measure recommitted if necessary, I am prepared to withdraw my amendment. I feel certain it will be found that the Bill has been wrongly worded.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 6 to 10, Title—agreed to.

Bill reported with amendments.

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. D. R. McLarty—Murray-Wellington): I move—

That the House at its rising adjourn till 4.30 p.m. on Thursday, the 7th October, 1948.

Question put and passed.

House adjourned at 10.11 p.m.

Legislative Assembly.

Thursday, 7th October, 1948.

CONTENTS.

	Page
Questions: Coalmining—(a) as to observance of labour covenants	1495
(b) as to production on Black Diamond leases	1495
Traffic, as to car parking, Riverside Drive	1495
Health, as to treatment of T.B. subjects	1496
Electoral, as to ensuring accuracy of rolls	1496
Railways, as to fitting of spark-arresters	1496
Leave of absence	1497
Bills: Government Railways Act Amendment, 1r.	1496
Western Australian Government Tramways and Ferries, 1r.	1496
Justices Act Amendment, 1r.	1496
Mining Act Amendment, 1r.	1496
Matrimonial Causes and Personal Status Code, 1r.	1496
Poultry Industry (Trust Fund), 1r.	1496
Motor Vehicle (Third Party Insurance) Act Amendment, 1r.	1497
Workers' Compensation Act Amendment, further report	1497
Prevention of Cruelty to Animals Act Amendment, report	1497
Factories and Shops Act Amendment, 3r., passed	1497
Licensing Act Amendment, 3r., passed	1497
Marriage Act Amendment, report	1497
West Australian Club (Private), adoption of report of Select Committee	1497
Feeding Stuffs Act Amendment, Com.	1497
McNess Housing Trust Act Amendment (No. 2), 2r.	1503

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTIONS.

COALMINING.

(a) As to Observance of Labour Covenants.

Mr. MARSHALL asked the Minister representing the Minister for Mines:

Will he consider taking the necessary action to prevent any coal mining company operating at Collie from increasing its present holding area until such time as such company complies with the labour covenants of the Mining Act?

The MINISTER FOR HOUSING replied:

Yes, consideration will be given.

(b) As to Production on Black Diamond Leases.

Mr. MARSHALL asked the Minister representing the Minister for Mines:

(1) Has any agreement been signed between the Government and the Amalgamated Collieries (W.A.) Limited for the production of coal on leases and tenements known as the Black Diamond Leases?

(2) Is the Amalgamated Collieries (W.A.) Limited doing, or has it engaged any other party to do, any active mining operations on tenements or leases returned to it from the State Electricity Commission?

(3) If so, just what is the nature of the work being performed?

The MINISTER FOR HOUSING replied:

(1) Correspondence has passed between the parties which forms the basis of an agreement which has not yet been signed.

(2) Yes.

(3) Clearing overburden in order to extract from open cut.

TRAFFIC.

As to Car Parking, Riverside Drive.

Mr. GRAHAM asked the Minister for Lands:

What steps have been taken to establish a car-parking area on the land bounded by Riverside Drive, Repatriation Department, Government House Gardens and Christian Brothers' College, which was set aside for that purpose last year at his instigation?